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EXAMINER	
PARDO, THUY N	
ART UNIT	**PAPER NUMBER**
2168	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/692,314	KRANZ ET AL.	
	Examiner	Art Unit	
	Thuy N. Pardo	2168	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 September 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-45* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-45* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Applicant's Amendment filed on September 20, 2007 in response to Examiner's Office Final Action has been reviewed. Claims 1-45 are pending in the application. Claims 1-7, 9-11, 14-33 and 35-45 are amended. This Office Action is Final.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1, 6-17, 19, 24-35 and 39-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishii US Patent Application No. 2005/0021783, in view of Ishiguro US Patent No. 7,216,368.

As to claim 1, Ishii teaches the invention substantially as claimed, comprising:

maintaining a unit of digital content at a content location on a server system [license stored in a storage unit in license server 4 of fig. 1; S47 of fig. 8; fig. 11, 12], the content location on a server system, the content location having a content URL address [URL of the content, 0115-0116];

maintaining licensing information at a licensing information location on the sever system [0058; 0105; 0115-0116];

the licensing information location having a licensing information address [URL link information on the license server including the license IDs inserted in HTML files of Web sites, e-mail, 0058; 0105];

the licensing information location being separate from the content location [content server 3 is separate from the license server 4, see fig. 1], and

the licensing information further having information for allowing the server system to provide the unit of digital content to a client system [adding a digital signature to the license, see fig. 7; 0013; 0043; 0069];

using the content URL address to identify the licensing information address [allowing the user to perform the license acquisition by clicking to URL link information on the license server, 0105; 0108], the licensing information comprising for allowing a source to provide the unit of digital content [the license server extracts the content to which the corresponding license can be applied and sends the client the content list including content information, such as the content ID, the URL for downloading the content, and the genre of each piece of the extracted content [0115]; and

comparing the content URL address with the licensing information to confirm that the unit of digital content associated with the content URL address is licensed to be provided to the client system [S47-S50 of fig. 8; the license server determines whether the result of the authorization from the accounting server permits the grant of the license, 0109; s42-s47 of fig. 8; s104-s105 of fig. 12; signatures of license and content are valid, S47 of fig. 8; 0093].

However, Ishii does not explicitly teach using the licensing information address to access the licensing information although it has the same functionality of using the address of the

license server for receiving the license [see fig. 7, 9 and 10]. Ishiguro teaches using the licensing information address to access the licensing information [see fig. 7 and 8; col. 10, lines 24-41].

Therefore, it would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention to add the feature of Ishiguro to the system of Ishii as an essential means to gains access to the license server through the communication unit and over the Internet.

As to claim 19, all limitations of this claim have been addressed in the analysis above, and this claim is rejected on that basis.

As to claims 33 and 45, they are apparatus claims of claims 1and 33; therefore, they are rejected under the same rationale.

As to claim 6, Ishii and Ishiguro teach the invention substantially as claimed. Ishii further teaches locating licensing information on the server by determining at least one potential location for the licensing information on the server based on the address of the content [S41-S49 of fig. 8].

As to claim 7, Ishii and Ishiguro teach the invention substantially as claimed. Ishii further teaches that the potential location determined for the licensing information is through a root directory on the server or through a subdirectory on the server where the content resides [0121].

As to claim 8, Ishii and Ishiguro teach the invention substantially as claimed. Ishii further teaches searching through the root directory for the licensing information [0055].

As to claim 9, Ishii and Ishiguro teach the invention substantially as claimed. Ishii further teaches that if licensing information is not found through the root directory or if licensing information found through the root directory does not correspond to the content, further including searching through the subdirectory where the content resides on the server for the licensing information [0055; 0119-0123].

As to claim 10, Ishii and Ishiguro teach the invention substantially as claimed. Ishii further teaches that obtaining licensing information is in response to a request, by a client system, to download the content from the server [S46-S47 of fig. 8].

As to claim 11, Ishii and Ishiguro teach the invention substantially as claimed. Ishii further teaches delivering the content to the client [S49 of fig. 8]; confirming that a URL pattern referenced in the licensing information corresponds to the URL address of the content [S47 of fig. 8]; and in response to confirming that the URL pattern corresponds to the URL addresses of the content, processing and rendering the content on the client [S49 of fig. 8].

As to claim 12, Ishii and Ishiguro teach the invention substantially as claimed. Ishii further teaches that the licensing information includes a licensing key [license ID, fig. 7].

As to claim 13, Ishii and Ishiguro teach the invention substantially as claimed. Ishii further teaches that the license key is an encrypted text file [0055-0060].

As to claim 14, Ishii and Ishiguro teach the invention substantially as claimed. Ishii further teaches overriding any other license key on the server when the license key is located through a root directory of the URL address of the content [0119-0123].

As to claim 15, Ishii and Ishiguro teach the invention substantially as claimed. Ishii further teaches determining whether the licensing information has been altered [S45 of fig. 8; 0093].

As to claim 16, Ishii and Ishiguro teach the invention substantially as claimed. Ishii further teaches that the licensing information further includes information pertaining to restrictions on processing of the content [expiration date, attribute condition, usage rule [fig. 6-7-0091-0093].

As to claim 17, Ishii and Ishiguro teach the invention substantially as claimed. Ishii further teaches that the licensing information further includes information about a feature of the content that is enabled or disabled ["decrypt content and output content" if signatures of license and content are valid and "error processing" if signatures of license and content are invalid, s47-s50 of fig. 8].

As to claim 34, Ishii and Ishiguro teach the invention substantially as claimed. Ishii further teaches that the communications handler or the licensing manager is associated with a runtime environment executing on a client system [0092].

As to claim 35, Ishii and Ishiguro teach the invention substantially as claimed. Ishii further teaches that a client system initiates the request to download the content from the server [fig. 3].

As to claims 24-32, 34, 35 and 39-44, all limitations of these claims have been addressed in the analysis above, and these claims are rejected on that basis.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 2-5, 18, 20-23 and 36-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishii US Patent Application No. 2005/0021783 in view of Ishiguro US Patent No. 7,216,368, and further view of Gordon et al. (hereinafter "Gordon") US Patent Application Publication No. 2004/0181490.

As to claim 2, Ishii teaches the invention substantially as claimed, with the exception of comparing the URL pattern referenced in the licensing information with the URL address of the content although Ishii teaches the feature of comparing the stored content with public key of license server [see S47-S50 of fig. 8]. Gordon teaches comparing the URL pattern referenced in the licensing information with the URL address of the content [the URL used by the subscriber as one that has been used in the past to request the file?, 0031]. Therefore, it would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention to add the feature of Gordon to Ishii-Ishiguro's system as an essential means to increase the speed of transmission licensed contents through securely distribute content system to consumers.

As to claim 3, Ishii and Gordon teach the invention substantially as claimed. Gordon further teaches confirming that the content is licensed by determining that the URL pattern referenced in the licensing information corresponds to the URL address of the content [0029].

As to claim 4, Ishii and Gordon teach the invention substantially as claimed. Gordon further teaches the URL pattern referenced in the licensing information corresponds to the URL address of the content when the URL pattern matches the URL address of the content [0029].

As to claim 5, Ishii and Gordon teach the invention substantially as claimed. Gordon further teaches responding to a URL pattern referenced in the licensing information that corresponds to the URL address of the content by directing a client system to process and render the content [0029-0031].

As to claim 18, Ishii and Gordon teach the invention substantially as claimed. Gordon further teaches that the URL pattern referenced in the licensing information indicates one or more URL addresses of licensed content [list of unique URLs, fig. 5].

As to claims 20-23, 36-38, all limitations of these claims have been addressed in the analysis of claims 1-5 and 18 above, and these claims are rejected on that basis.

Response to Arguments

4. Applicant's arguments with respect to claims 1-45 have been considered but are moot in view of the new ground(s) of rejection.

Applicant argues that neither Ishii nor Gordon teaches or suggest a method of accessing licensed digital content and examining the licensing information to confirm that the content is licensed to be provided by a source identified by the URL address of the content.

Examiner respectfully disagrees. Examiner believes that these features are taught by Ishii and Gordon. Ishii teaches that when the user selects the license ID of the selected license to the content server via Internet. The content server can extract the content to which the corresponding license ID as the key. Subsequently, the license server provides the client the content ID and URL address for downloading the content [see 0115-0116]. Examiner also believes that the feature of verifying the digital license of content taught by Ishii does constitute the feature of examining the licensing information of the content in the Applicant's claimed invention.

In response to applicant's arguments, the recitation "examining the licensing information to confirming that content is licensed" as specified in claim 2 has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuy N. Pardo whose telephone number is 571-272-4082. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim Vo can be reached on 571-272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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THUY N. PARDO
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